

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4657 of 2015

Arising Out of PS.Case No. -129 Year- 2014 Thana -ISHAKCHAK District- BHAGALPUR

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1. Md. Ayyub @ Ayyub Son of Md. Qasim Resident of Mohalla -
Barahpura, Qudratullah Lane, Police Station - Ishakchak, District -
Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Masleh-Uddin Ashraf

For the Opposite Party/s : Mr. Arvind Kr.Pandey(APP)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 27-05-2015

Heard the Counsel for the petitioner and the APP for
the State.

The petitioner seeks anticipatory bail in a case
instituted under Section 304B of Indian Penal Code. The
petitioner is the husband of the victim with whom he was married
only a year ago.

The allegation is that soon after the marriage, the
daughter of the informant was tortured at the matrimonial house
for non-fulfilment of demand of dowry. She took shelter in her
parents' house. Petitioner visited the house of his wife and there
also demand was made. On the relevant date, he was present in
the house at Sasural when the victim was done to death. He was
found absent therefrom.

Contention of the petitioner is that the allegations

levelled against him are quite unnatural. The deceased had love affairs with another boy and out of frustration, she committed suicide at her *naihar*. It is submitted that a kind of compromise has been entered between the parties.

Learned APP opposed the prayer for anticipatory bail and contended that there is clear allegation of demand of dowry and on account of non-fulfilment thereof, torture meted out to the deceased in diverse manner.

Be that as it may, considering the seriousness of allegation, I do not find it a fit case to privilege the petitioner with anticipatory bail. Prayer is rejected. Let the petitioner surrender and seek regular bail. In that case, the same shall be considered on its own merit uninfluenced by the present order.

(Kishore Kumar Mandal, J)

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